



08-03-01

ET489845041 US

DAG/3724/112

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional)	
<p>First named inventor: BILLIE JEAN LONGSTRETH</p> <p>Application No.: 09/025,896</p> <p>Filed: February 18, 1998</p> <p>Title: CABBAGE CUTTER</p> <p>Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.</p> <p><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.</p> <p>1. Petition fee <input checked="" type="checkbox"/> Small entity-fee \$ 6.20 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity - fee \$ N/A (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>Check for fee, Amendments, Letter</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ <u>N/A</u>. <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith.</p>		

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

August 2, 2001

Date

Telephone  
Number: (937) 878-6902

  
Signature

BILLIE JEAN LONGSTRETH

Typed or printed name

406 Rising Hill Drive

Address

Fairborn, Ohio 45324

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Letter and patent amendments attached

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

August 2, 2001

Date

  
Signature

BILLIE JEAN LONGSTRETH

Type or printed name of person signing certificate

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July 30, 2001

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Attention: Office of Petitions  
 Assistant Commissioner for Patents  
 Box DAC  
 Washington, D.C. 20231

Re: Petition for Revival of Patent Application No. 09/025, 896 Abandoned  
 Unintentionally Under 37 CFR 1.137(b)

The entire delay in filing the required reply was unintentional.

I would like to offer an explanation for my delay in replying to communication that resulted in the abandonment of my patent application and to hopefully show that it was unintentional. I received an Office communication dated April 11, 2000 notifying me that my patent application had been abandoned because I had failed to timely file a proper reply to the Patent Office communication dated August 25, 1999. I had replied to the communication by letter dated November 4, 1999 with amendments attached but the Notice of Abandonment stated that my reply did not constitute a proper reply under 37 CFR 1.113(a) to a final rejection.

Following a telephone conversation with Charles Goodman, the examiner, I submitted a Substitute Specification on December 8, 1999 and enclosed a check in the amount of \$55.00 to pay for a month extension of time. I waited for a while and when I did not receive a reply as to the status of my patent application, I attempted to contact Mr. Goodman. When I was unable to contact Mr. Goodman by telephone, I sent a follow-up letter dated April 28, 2000. On June 26, 2001, over a year later, I had a telephone conversation with Mr. Goodman to discuss the status of my patent application and he said he would check on my application and get back with me. Next, I received an Office communication dated July 3, 2001 from Mr. Goodman with an Interview Summary form attached documenting the telephone conversation we had, and attached to this form was a continuation sheet that read: "It was noted to Ms. Longstreth that application was abandoned prior to receipt of the letter filed on April 28, 2000. It was also noted that it appeared some of the submitted papers after Final were not matched with the file in time due to inadvertent delay. Whether or not the Examiner or the Office may do something about this is yet to be determined. The Examiner also noted to Ms. Longstreth that the letter will be responded to in due course." Then on July 6, 2001, I received an office communication from Mr. Goodman regarding the abandonment of my patent application that included a statement that read: "Upon review and discussion with my supervisor, it

appears that the Abandonment of the Application was proper," and stated the reasons referencing the Substitute Specification and Claim I had submitted on December 9, 1999. This communication also included a statement that read: "It is noted that the above mentioned submission by applicant was not matched with the file in a timely manner due to inadvertent delay from the office. However, as noted above, this submission would not have been entered because they did not comply with the requirements for entry of After Final Amendments."

In conclusion, I want you to know that I'm only giving this information to help substantiate the fact that I have always made an effort to reply to all communications on time. I am very much aware of how important the due dates are. The delay in filing the required reply to any communication was unintentional.

*Billie Jean Longstreth*  
BILLIE JEAN LONGSTRETH  
406 Rising Hill Drive  
Fairborn, Ohio 45324  
Telephone No.: (937) 878-6902

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

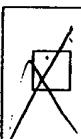
DATE : 8/14/01

TO : Charles Goodman

VIA : art Unit 3724

FROM : R C Tang

SERIAL NO : 0 9/025, 896



Please consider Paper No. 13 to see if the proposed response would place this application in condition for allowance in the event it is revived.

If the response would place the application in condition for allowance, write in the margin of the response "Ok to enter upon revival."

If the response would not place the application in condition for allowance, complete Form PTOL-303, but do not mail the form to the applicant.

PLEASE HAND CARRY THE FILE TO FOUR CRYSTAL PLAZA, SUITE 3C23 WITH ONE WEEK OF THE ABOVE DATE.



Please consider Paper No. \_\_\_\_\_ as a Petition to Withdraw the Holding of Abandonment in view of the statements presented by petitioner that a response was timely filed. If the request is granted, the petition fee should be refunded to petitioner. If the request is not granted, please forward the application to the Office of Petitions, Crystal Plaza Four, Suite 3C23 for consideration of the alternative Petition to Revive.

Petitions Attorney  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects